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# **Committee on Community Colleges and Workforce**

**Meeting  
Tuesday, March 21, 2006  
2:15 PM – 5:15 PM  
Room 24, House Office Building**

## **MEETING PACKET**

Allan Bense  
Speaker

Pat Patterson  
Committee Chair



# ***FLORIDA HOUSE OF REPRESENTATIVES***

*Allan G. Bense, Speaker*

**Community Colleges & Workforce Committee**

Pat Patterson  
Chair

Ed Jennings  
Vice Chair

## **Meeting Agenda** **Tuesday, March 21, 2006** **24 HOB, 2:15 PM – 5:15 PM**

- I. Call to Order & Roll Call**
- II. Opening Remarks by Chair Patterson**
- III. Consideration of the following bills:**

**HB 49 CS by Representative Meadows**  
**Caregivers for Adults**

**HB 513 by Representative Bilirakis**  
**Career and Professional Academies**

**HB 1065 by Representative Jordan**  
**Educational Opportunities for Children and Spouses of Deceased or**  
**Disabled Veterans and Servicemembers**

**HB 1171 by Representative Rivera**  
**Travel to Terrorist States**

- IV. Closing Comments**
- V. Meeting Adjourned**



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 49 CS

Caregivers for Adults

**SPONSOR(S):** Meadows

**TIED BILLS:**

**IDEN./SIM. BILLS:** SB 88

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Elder &amp; Long-Term Care Committee</u>	<u>8 Y, 0 N, w/CS</u>	<u>DePalma</u>	<u>Walsh</u>
2) <u>Community Colleges &amp; Workforce Committee</u>	<u></u>	<u>Thomas <i>NOT</i></u>	<u>Ashworth <i>OJA</i></u>
3) <u>Health Care Appropriations Committee</u>	<u></u>	<u></u>	<u></u>
4) <u>Health &amp; Families Council</u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

### SUMMARY ANALYSIS

HB 49 CS enables the Department of Elder Affairs to contract with a not-for-profit corporation (the corporation) operated in compliance with chapter 617, F.S., in order to develop best practices information and to provide that information to caregivers of frail elders or disabled adults who live in the community, reside in facilities licensed by the state, or attend an adult day care center.

The bill specifies that such contracted corporation may be physically located in the Florida Policy Exchange Center on Aging (FPECA) at the University of South Florida. The Center collects and analyzes information related to older adults, especially older Floridians. The Center informs policymakers, media representatives, scholars and advocates on policies, programs and services for older adults. The Center carries a Type I designation from the State Board of Education, meaning the Center has a responsibility to work closely with faculty and students from all Florida universities who are involved in aging-related research activities.

HB 49 CS provides for the corporation to assist the Florida Policy Exchange Center on Aging in developing policy recommendations, and also stipulates certain contractual responsibilities of the corporation.

HB 49 CS requires each public sector agency providing training or support for nonlicensed community or facility caregivers to cooperate with the corporation. The Florida Policy Exchange Center on Aging shall certify to the Governor, the President of the Senate and the Speaker of the House of Representatives whether the corporation is receiving the necessary and requested support from public sector organizations that provide training to nonlicensed caregivers.

HB 49 CS directs the Office of Program Policy Analysis and Government Accountability (OPPAGA) to conduct an evaluation and review of the corporation and to provide a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by October 1, 2009.

The effective date provided is July 1, 2006.

The fiscal impact of HB 49 CS is undetermined. Please see "Fiscal Comments" for further information.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

**Provide limited government** – The CS allows the Department of Elder Affairs to contract with a not-for-profit corporation which may be located in the Florida Policy Exchange Center on Aging at the University of South Florida. One of the functions of the contracted corporation is to provide training to employees of private businesses.

#### B. EFFECT OF PROPOSED CHANGES:

In summary, the CS for HB 49 enables the Department of Elder Affairs (DOEA) to contract with a not-for-profit corporation operated in compliance with chapter 617, F.S., and specifies that such contracted corporation may be physically located in the Florida Policy Exchange Center on Aging (FPECA, or the "Exchange Center") at the University of South Florida. Its mission is to foster the development of caregiving for adults as a non-licensed paraprofessional activity and promote the use of nationally recognized best practices information by non-licensed caregivers. Following is background information and a detailed description of the legislation.

#### Present Situation

##### Caregiving

About 10.1 million people over the age of 18 in the U.S. – nearly 4 percent of the population – need another person's assistance to carry out activities such as bathing, feeding, cleaning, or grocery shopping.<sup>1</sup> Within this group, nearly 80 percent of care recipients are 50 and older, and the average age of care recipients 50 and older in the U.S. is 75.<sup>2</sup> Most care recipients (79 percent) who need long-term care live at home or in the community,<sup>3</sup> and those individuals living in nursing homes and other institutional settings could potentially live in the community if appropriate, affordable support was available.<sup>4</sup>

Depending on which definition of "caregiver" and "care recipient" is utilized, there is wide latitude in estimates of the precise number of caregivers in the U.S.<sup>5</sup> A 2004 study coordinated by the National Alliance for Caregiving and the AARP concluded that 44.4 million Americans (21% of the population) provided unpaid care to friends and family age 18 and older.<sup>6</sup> Moreover, 59% of these U.S. caregivers reported being presently employed, and while the services they provide to care recipients are unpaid, the value of such services has been estimated at \$257 billion annually.<sup>7</sup> Nearly 20% of caregivers in the U.S. provide more than 40 hours of care per week,<sup>8</sup> and the overall amount of time spent caring for

<sup>1</sup> McNeil, Jack. 2001. *Americans with disabilities: Household economic studies*. Washington, DC: US Department of Commerce, Economics and Statistics Administration, US Census Bureau.

<sup>2</sup> *Caregiving in the U.S.*, 2004, National Alliance for Caregiving and AARP, available at <http://www.aarp.org/research/reference/publicopinions/aresearch-import-853.html>.

<sup>3</sup> *Long-term Care Users Range in Age and Most Do Not Live in Nursing Homes: Research Alert*, 2000, Agency for Healthcare Research and Quality, available, in part, at <http://www.ahrq.gov/research/nov00/1100RA19.htm>.

<sup>4</sup> *Understanding Medicaid Home and Community Services: A Primer*, 2000, U.S. Department of Health and Human Services. Available at <http://aspe.hhs.gov/daltcp/reports/primer.pdf>.

<sup>5</sup> *Fact Sheet: Side-by-side Comparison of Family Caregiver Prevalence Studies*, Family Caregiver Alliance, 2001, available at [http://www.caregiver.org/caregiver/jsp/content/pdfs/fs\\_caregiver\\_stats\\_side\\_by\\_side.pdf](http://www.caregiver.org/caregiver/jsp/content/pdfs/fs_caregiver_stats_side_by_side.pdf).

<sup>6</sup> *Caregiving in the U.S.*, National Alliance for Caregiving and AARP.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

another increases substantially as the care recipient's cognitive impairment worsens.<sup>9</sup> In terms of lost productivity to American businesses, informal caregiving results in an \$11-29 billion loss annually.<sup>10</sup>

Although family members and friends provide most of the needed assistance for people in home and community-based settings, home care workers, personal assistants, direct support professionals and other direct-care workers are a critical resource for many. Individuals and families rely on these workers to provide them with comfort, companionship, and care in an atmosphere that preserves their dignity and well-being. Such workers are already in short supply in many regions and demand is expected to grow rapidly, due to a combination of consumer demand and changes in public policy.

Nursing homes, assisted living facilities, and adult family care homes employ both licensed and unlicensed staff responsible for providing medical, nursing or personal care assistance to their residents, enabling them to live as independently as possible. The requirements for staff training and education vary depending on the setting and the specific job responsibilities of the caregiver.

Although the Omnibus Budget Reconciliation Act of 1987 enhanced the training required of certified nursing assistants in nursing homes and home health aides in certified home health agencies, federal funds allocated for health care training are typically reserved for the development of various medical professionals (doctors, nurses, etc.). Consequently, there are limited resources available to address the training needs of paraprofessional caregivers who work in nursing homes, assisted living facilities, adult day care centers, and private residences.

### Assisted Living Facilities

Assisted Living Facilities (ALF) are residential care facilities that provide housing, meals, personal care, and supportive services to older persons and disabled adults who are unable to live independently. The facilities are licensed under Chapter 400, part III, F.S., and are intended to be a less costly alternative to more restrictive institutional settings for individuals who do not require 24-hour nursing supervision. Generally speaking, ALF provide supervision, assistance with personal and supportive services, and assistance with administration of medications to elders and disabled adults.

Nationally, it is estimated that an excess of 600,000 seniors currently reside in an ALF. In 2000, Florida's 2,305 assisted living facilities alone housed approximately 75,000 residents. Facilities operating on a for-profit basis account for the majority of the state's ALF, as more than 83% of Florida's ALF function as for-profit enterprises.<sup>11</sup>

In addition to a standard ALF operating license, there are three "specialty" ALF licenses: extended congregate care (ECC), limited nursing services (LNS), and limited mental health (LMH). An ALF holding an ECC license may provide additional nursing services and total assistance with personal care services. Residents living in ECC-licensed facilities may have greater impairment levels than those living in a standard ALF. Residents living in an ALF holding a LNS or LMH license must meet the same residency criteria as a standard-licensed ALF. Regardless of the facility's license status, residents living in ALF cannot have conditions that require 24-hour nursing supervision.<sup>12</sup>

**Administrators, managers, and staff of ALF are required to obtain specific training and education** pursuant to s. 400.452, F.S., and Rule 58A-5.0191, F.A.C. Training requirements are specific to an individual's responsibilities within the facility; the Department of Elder Affairs (DOEA) establishes minimum training and education requirements by rule. Facility staff is required to

<sup>9</sup> *National Estimates of the Quantity and Cost of Informal Caregiving for the Elderly with Dementia*, 2001, Journal of General Internal Medicine, Volume 16: 770-778.

<sup>10</sup> The MetLife Study of Employer Costs for Working Caregivers (based on data from "Family Caregiving in the U.S.: Findings from a National Survey"), 1997, Metropolitan Life Insurance Company, available at <http://www.metlife.com/WPSAssets/14002396171048285176V1FEmployer%20Costs%20study%20.pdf>.

<sup>11</sup> *Florida's Aging Population: Critical Issues for Florida's Future*, 2<sup>nd</sup> Edition (2004), Pepper Institute on Aging and Public Policy, FSU College of Social Sciences.

<sup>12</sup> An exception is made for an existing resident who is receiving licensed hospice services while residing in an ALF.

participate in training relevant to their job duties as specified by rule. Depending on the staff and particular facility, required training may include ongoing staff in-service training, HIV/AIDS training, first aid, CPR, assistance with self-administered medication, nutrition and food service, extended congregate care training, or limited mental health training. Facilities that advertise that they provide special care for persons with Alzheimer's Disease and related disorders must ensure that facility staff receives training in this area.<sup>13</sup>

### Adult Family Care Homes

An adult family care home (AFCH) is a familial-oriented living arrangement in a private home. AFCH are licensed in accordance with Chapter 400, part VII, F.S. to provide room, board, and personal care on a 24-hour basis for up to five residents as an alternative to more restrictive institutional settings for individuals who need housing and supportive services, but not 24-hour nursing supervision. The provider must own or rent and live in the home operating as an AFCH, and staff in AFCH are either employed by, or under contract with, the provider.

Prior to accepting any residents or becoming licensed, **all AFCH providers must attend a 12-hour Adult Family Care Home Basic Training program** that conforms to the minimum requirements of s. 400.6211, F.S. Additionally, the AFCH provider is required to annually obtain 3 hours of continuing education in topics related to the care and treatment of frail elders or disabled adults, or the management and administration of an AFCH, and providers must attend update training when the basic course is updated by legislation or through rule amendment.<sup>14</sup>

Prior to assuming responsibility for the care of residents (or within 30 days of employment), an AFCH provider shall ensure that each relief person and all staff receive training relevant to assigned job duties, including emergency/evacuation procedures, universal precautions, food safety, procedures for reporting abuse and neglect, and a review of resident rights. Moreover, providers, relief individuals, and any person left in sole charge of residents must hold a currently valid card documenting completion of First Aid and CPR courses.<sup>15</sup>

### Adult Day Care Centers

Adult Day Care Centers (ADCC) are licensed under Part V of Chapter 400, F.S., to provide a variety of therapeutic, social, and health activities and services to adults who have functional impairments, in an effort to help restore, remediate, or maintain optimal functioning and increase interaction with others in a non-institutional setting. Participants may utilize a variety of services offered during any part of a day but less than a 24-hour period.

**Training requirements of staff employed by an ADCC vary based upon the work performed by the individual.** All staff employed by an ADCC must receive basic written information about interacting with participants who have Alzheimer's disease or dementia-related disorders. Section 400.5571, F.S., requires new employees having direct contact with participants who suffer from Alzheimer's disease or other dementia-related disorders to complete certain training within specified time periods.

### Caregiver Training Providers

On July 1, 2003 the training component for ALF and AFCH was privatized by DOEA<sup>16</sup>. Consequently, ALF and AFCH currently contract with private consultants and associations to ensure that facility staff is provided with required training. There are 19 training providers statewide, and these providers and the fees charged in connection with training are not regulated by any state agency.

<sup>13</sup> Rule 58A-5.0191, F.A.C.

<sup>14</sup> Rule 58A-14.008, F.A.C.

<sup>15</sup> Ibid.

<sup>16</sup> During Special Session 2003-A, the Legislature privatized the Department of Elderly Affairs' ALF core training program and the eleven FTE training positions associated with the program were eliminated. Section 3, Chapter 2003-405, L.O.F.

Training providers and facility administrators have expressed concerns about increased staff training costs to facilities, especially those serving Optional State Supplementation (OSS)<sup>17</sup> residents. The Department of Elder Affairs currently contracts with the Institute for Instructional Research and Practice at the University of South Florida to develop testing materials for the ALF Core Training requirements, and administer a caregiver examination.

### University Research on Aging

There are a number of research institutes and centers on aging affiliated with Florida's state universities. Each institute has a specific focus for research and policy related to aging and long-term care. Research areas include work and retirement, pensions, long-term care, assisted living, technology and aging, dementia and caregiving, well-being, life satisfaction, the impact of Alzheimer's disease on families and communities, intergenerational relations, Social Security, and health and aging.

Created in 1992, the Florida Policy Exchange Center on Aging (FPECA) at the University of South Florida collects and analyzes information related to older adults, especially older Floridians. The Center informs policymakers, media representatives, scholars and advocates on policies, programs and services for older adults. The Center carries a Type I designation from the State Board of Education, meaning the Center has a responsibility to work closely with faculty and students from all Florida universities who are involved in aging-related research activities.

### Effect of Proposed Changes:

The bill provides the legislative intent to foster the development of caregiving as a non-licensed paraprofessional activity to provide care for frail and vulnerable adults who live in the community, reside in a licensed assisted living facility or adult family care home, or attend an adult day care center; and to promote the use of nationally recognized best-practices information by caregivers in an effort to improve the quality of care and facilitate uniformity of techniques, practices, and standards that are used in caring for the state's most vulnerable residents.

The bill enables the Department of Elder Affairs to contract with a not-for-profit corporation (the corporation) operated in compliance with chapter 617, F.S., in order to develop best practices information and to provide that information to caregivers of frail elders or disabled adults who live in the community, reside in facilities licensed by the state, or attend an adult day care center.

The bill specifies that such contracted corporation may be physically located in the Florida Policy Exchange Center on Aging (FPECA) at the University of South Florida. The Center collects and analyzes information related to older adults, especially older Floridians. The Center informs policymakers, media representatives, scholars and advocates on policies, programs and services for older adults. The Center carries a Type I designation from the State Board of Education, meaning the Center has a responsibility to work closely with faculty and students from all Florida universities who are involved in aging-related research activities.

The bill indicates that the contract with the corporation shall provide for the corporation to assist FPECA with the development of policy recommendations, in an effort to enhance the Exchange Center's efforts to improve the availability and skills of individuals seeking to work as caregivers in the home or community, or in an AFCH, ADCC, or ALF. The contract must additionally provide that the corporation:

- seek state, federal, and private funding to provide training in the use of best practices;
- work with universities, research and policy development centers and other institutions to develop training materials, identify best-practices techniques, and develop a curriculum;

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<sup>17</sup> OSS is a non-Medicaid cash assistance program offered by the Department of Children and Family Services, intended to supplement an individual's income to help pay for costs in an assisted living facility, mental health residential treatment facility, and adult family care home. Calculation formulas and eligibility requirements are available at <http://www.dcf.state.fl.us/ess/ssifactsheet.pdf>, updated July, 2005.



- conduct a needs assessment of non-licensed caregivers working in the community or facilities licensed under parts III, V, or VII of Chapter 400, F.S.;
- make recommendations to DOEA, the Department of Children and Family Services (DCF), the Agency for Health Care Administration (AHCA) and the Florida Department of Health (DOH) regarding policy and related changes to help improve the quality, availability, and retention of non-licensed caregivers;
- make recommendations to the Legislature and Governor on proposed legislative changes and budget-related items; and
- develop agreements with AHCA, DOEA, DOH, DCF, and other relevant state agencies to allow access to state-owned buildings and state employees to provide training and professional development.

The corporation is further authorized to offer training to staff of ALF, AFCH, and ADCC and to charge a reasonable fee based on a sliding scale to provide the training. DOEA, in consultation with the corporation and the contractor responsible for the development of the training testing materials, must annually evaluate the testing materials.

The bill directs the corporation to collect information regarding non-licensed caregivers who work in the community and in facilities licensed under part III or part VII of Chapter 400, F.S. It specifies that the information collected must include but is not limited to:

- the salary rates for various positions
- professional development needs of non-licensed caregivers
- turnover rates and retention
- the number of caregivers using best-practices information in day-to-day care-related activities.

The corporation must also develop a memorandum of understanding with FPECA describing how the corporation will interact with FPECA in carrying out its responsibilities. The corporation must develop an agreement with FPECA for the center's provision of start-up costs and administrative support, with the expectation that the corporation will not rely on FPECA staff or financial assistance after June 1, 2008. The corporation is authorized to contract with FPECA for the provision of staff support, research, technical assistance, and data storage under a memorandum of agreement.

The bill requires the corporation to annually evaluate and report to the Governor, the President of the Senate, and the Speaker of the House of Representatives the status of its work relative to promoting the use of best practices by caregivers and developing non-licensed caregivers. This annual report is due by January 10 each year.

The bill requires public-sector agencies that provide training or support to non-licensed caregivers who work in the community, ALF, ADCC, and AFCH, to cooperate with the corporation. FPECA is required to certify to the Governor, the President of the Senate, and the Speaker of the House of Representatives – using criteria that includes communication, timeliness of response, and coordination efforts – whether the corporation is receiving the necessary support from the various public-sector entities that provide training to non-licensed caregivers.

The bill directs OPPAGA to conduct a review of the contracted services for developing best practices information and providing it to caregivers, by October 1, 2009. OPPAGA is required to report to the Governor, the President of the Senate, and the Speaker of the House of Representatives concerning whether the corporation has been effective in helping to improve the retention of non-licensed caregivers in the community and in facilities licensed under parts III, V, or VII of Chapter 400, F.S., and whether it has been successful in promoting the use of best-practice techniques by caregivers who care for Florida's frail and disabled adult population.

The bill provides an effective date of July 1, 2006.

### C. SECTION DIRECTORY:

**Section 1:** Provides that DOEA may contract with a not-for-profit corporation which may be physically located in the Florida Policy and Exchange Center on Aging; provides purpose, duties and powers of the corporation; requires annual reports; provides duties for FPECA and state agencies.

**Section 2:** Requires OPPAGA to conduct a review of the corporation by a specified date; requires report to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

**Section 3:** Provides an effective date of July 1, 2006.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

None.

2. Expenditures:

See "Fiscal Impact", below.

### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

None.

### **C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

The Corporation will need funding for start-up.

There is an undetermined cost for the corporation to perform the responsibilities assigned by the legislation. These responsibilities include developing training curricula and materials, conducting a caregiver needs assessment, reviewing the need for caregivers in certain areas, developing core training materials, and collecting and reporting information regarding the caregiver population.

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### **D. FISCAL COMMENTS:**

#### **The University of South Florida**

According to the Florida Policy Exchange Center on Aging at the University of South Florida, there will be an estimated cost of \$100,000 for the Exchange Center to support the activities of this corporation.

#### **State Agencies**

The CS requires that the corporation develop agreements with DOEA, DCF, AHCA, DOH and any other state agency it considers necessary for the purpose of accessing state buildings and employees to provide training. The agencies will incur undetermined costs associated with this requirement.

#### **Department of Elder Affairs**

The Department of Elder Affairs reports that they no longer have the staffing or infrastructure capacity to meet the provisions of the legislation because their training program was privatized during the 2003 Legislative Session.

### Agency for Health Care Administration

AHCA notes that the CS mandates agreements to be developed with itself, DOEA, DOH and DCF for the exclusive purpose of accessing state-owned buildings and state employees for the purpose of providing low-cost effective training. According to AHCA, without knowledge of the number of individuals who would actually need to be trained, at a minimum, the CS creates a need for one additional full-time equivalent position for the Agency to provide the proposed training. The position, located in Tallahassee, will travel to different locations around the state as needed to provide the training. The comparable position identified for this training is a Health Services and Facilities Consultant (pay grade 24). It is estimated that there will be \$18,200 in travel expenses annually. The trainer would travel to seven districts quarterly with the following travel expenses: \$300 airfare, \$300 hotel expenses (3 days) and \$50 for incidentals. This would be a \$650 travel expense for each trip totaling \$18,200 annually. Deducting the allowance for travel of \$3,550 that is already included in the annual standard expenditure allowance for a position, an additional travel amount of \$14,650 per year would be needed. This would be a total cost to AHCA (salary and travel) in year 1 of \$81,319 and in year 2 of \$77,309.

AHCA notes it is not possible to determine how much training would be required; however there are over 2,300 licensed ALF and the staff turnover is high in some areas. In addition, there are 463 AFCH and relief personnel, and 163 ADCC staff, who would also need to be trained.

### **III. COMMENTS**

#### **A. CONSTITUTIONAL ISSUES:**

##### **1. Applicability of Municipality/County Mandates Provision:**

None

##### **2. Other:**

None.

#### **B. RULE-MAKING AUTHORITY:**

None.

#### **C. DRAFTING ISSUES OR OTHER COMMENTS:**

Although the CS appears directed at unlicensed caregivers employed by either licensed facilities or private entities, no definition of "caregiver" is provided. The Family Caregiver Alliance (FCA) defines a caregiver as one "who provides assistance to someone else who is, in some degree, incapacitated and needs help."<sup>18</sup> The FCA further distinguishes between "informal caregivers" (unpaid individuals such as family, friends, and neighbors) and "formal caregivers" (volunteers or paid care providers associated with a service system).<sup>19</sup> On December 6, 2005, the Senate Committee on Children & Families adopted without engrossing a definition of a "caregiver" as "a person who receives financial compensation for providing assistance, care, or personal services to another person." Moreover, there is no specific requirement that any member of the Board of Directors of the Florida Caregiver Institute, Inc., be a caregiver.

<sup>18</sup> *Selected Caregiver Statistics*, accessed January 6, 2006, Family Caregiver Alliance, available at: [http://www.caregiver.org/caregiver/jsp/content\\_node.jsp?nodeid=439](http://www.caregiver.org/caregiver/jsp/content_node.jsp?nodeid=439).

<sup>19</sup> Ibid.

In subsection 3(g) of section 1, the CS enables the corporation to charge a reasonable fee, on a sliding scale, for the training of unlicensed caregivers who work in the community or Parts III, V, or VII of Chapter 400, F.S., but provides no parameters for evaluation of what is considered a "reasonable fee".

AHCA has reported that the agency is uncertain how the corporation's mission will impact either the Consumer Directed Care or Assisted Living for the Elderly waiver programs.<sup>20</sup>

#### **IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES**

At its March 8, 2006 meeting, the Committee on Elder & Long-Term Care adopted a strike-all amendment to HB 49. The amendment addresses a constitutional concern raised through creation of the Florida Caregiver Institute, Inc. (the "Institute"), as an independent not-for-profit corporation administratively housed within the Florida Policy Exchange Center on Aging at the University of South Florida. Specifically, Article IV, Section 6 of the state constitution limits the power of the Legislature to create new departments, while simultaneously vesting all functions of the executive branch of state government "among not more than twenty-five departments, exclusive of those specifically provided for or authorized" in the constitution. The strike-all alters this dynamic by allowing the Department of Elder Affairs to contract with a not-for-profit corporation given the same responsibilities and duties as the Florida Caregiver Institute, Inc. was provided, and specifying that this contracted corporation "may" be physically located in the Exchange Center. In addition to providing several conforming changes necessary to reflect this amendment, provisions relating to the Institute's board of directors are deleted.

The Committee favorably reported a Committee Substitute. This analysis is drafted to the Committee Substitute.

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<sup>20</sup> The Florida Consumer Directed Care project, one of three such waiver programs nationally, is a cash benefit allowing recipients to make more of their own decisions about personal attendant and related personal assistance services. Similarly, the Assisted Living for the Elderly waiver provides additional personal care and supervision services to aged individuals who would otherwise require nursing home placement. Source: *Model Florida Long-Term Care System / Analyzing Long-Term Care Initiatives in Florida*, November 2003, Senate Committee on Health, Aging, and Long-Term Care, available at: [http://www.flsenate.gov/data/Publications/2004/Senate/reports/interim\\_reports/pdf/2004-144hclong.pdf](http://www.flsenate.gov/data/Publications/2004/Senate/reports/interim_reports/pdf/2004-144hclong.pdf).

HB 49

2006  
CS

## CHAMBER ACTION

1 The Elder & Long-Term Care Committee recommends the following:

2  
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to caregivers for adults; providing  
7 legislative intent to foster caregiving as a nonlicensed  
8 paraprofessional activity and to promote the caregivers'  
9 use of best practices; providing for the Department of  
10 Elderly Affairs to contract with a not-for-profit  
11 corporation; specifying requirements of the contract;  
12 requiring reports to the Governor and the Legislature;  
13 providing duties of the Florida Policy Exchange Center on  
14 Aging and other public agencies; providing for the Office  
15 of Program Policy Analysis and Government Accountability  
16 to conduct a review of the corporation by a specified date  
17 and to report to the Governor and the Legislature;  
18 providing an effective date.

19  
20 Be It Enacted by the Legislature of the State of Florida:

21  
22 Section 1. Legislative intent; contract with corporation;  
23 purposes and duties; reports.--

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CS

(1) It is the intent of the Legislature to foster the development of caregiving for frail elders and disabled adults as a nonlicensed paraprofessional activity that is critical to the provision of community-based and institutional care for frail elders and disabled adults who live in the community or in an assisted living facility licensed under part III of chapter 400, Florida Statutes, or an adult family-care home licensed under part VII of chapter 400, Florida Statutes, or who attend an adult day care center licensed under part V of chapter 400, Florida Statutes. It is the further intent of the Legislature to promote the use of nationally recognized best practices information by caregivers so as to improve the quality of care in the community and in long-term care facilities licensed by the state and to ensure some degree of uniformity of techniques, practices, and standards used in caring for frail elders and disabled adults residing in the state.

(2) In order to accomplish the goal of developing best practices information and providing that information to caregivers of frail elders or disabled adults who live in the community, reside in facilities licensed by the state under part III or part VII of chapter 400, Florida Statutes, or attend an adult day care center licensed under part V of chapter 400, Florida Statutes, the Department of Elderly Affairs may contract with a not-for-profit corporation operated in compliance with chapter 617, Florida Statutes. The contracted corporation may be physically located in the Florida Policy Exchange Center on Aging at the University of South Florida.

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51       (3) The contract with the corporation shall provide for  
52 the corporation to assist the Florida Policy Exchange Center on  
53 Aging in the development of policy recommendations to enhance  
54 the center's efforts to improve the skills and availability of  
55 individuals who seek to work as caregivers in the home, in the  
56 community, or in a facility licensed by the state under part  
57 III, part V, or part VII of chapter 400, Florida Statutes. The  
58 contract must provide that the corporation also:

59       (a) Shall seek to identify funding by state, federal, and  
60 private sources for the purpose of providing training in and  
61 promotion of the use of best practices to caregivers.

62       (b) Shall work with universities and other related parties  
63 to develop training materials and a curriculum and identify best  
64 practices.

65       (c) Shall conduct a needs assessment of the nonlicensed  
66 caregivers who work in the community or in facilities that are  
67 licensed under part III, part V, or part VII of chapter 400,  
68 Florida Statutes.

69       (d) Shall make recommendations to the Department of  
70 Elderly Affairs, the Department of Children and Family Services,  
71 the Agency for Health Care Administration, and the Department of  
72 Health regarding policy and related changes that will improve  
73 the quality, availability, and retention of nonlicensed  
74 caregivers who work in the community or in facilities licensed  
75 under part III, part V, or part VII of chapter 400, Florida  
76 Statutes.

77       (e) Shall make recommendations on proposed legislative  
78 changes and budget-related items that would affect the quality,

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79 availability, and retention of nonlicensed caregivers and review  
80 the need for nonlicensed caregivers to work in the community or  
81 in facilities licensed under part III, part V, or part VII of  
82 chapter 400, Florida Statutes. This information shall be  
83 provided to the Governor, the President of the Senate, and the  
84 Speaker of the House of Representatives by January 1 of each  
85 year.

86 (f) Shall develop agreements with the Department of  
87 Elderly Affairs, the Department of Children and Family Services,  
88 the Agency for Health Care Administration, the Department of  
89 Health, and any other state agency it considers necessary for  
90 the exclusive purpose of providing access to state buildings and  
91 state employees in order to offer low-cost, effective training  
92 and paraprofessional development assistance to nonlicensed  
93 caregivers who work in the community or in facilities licensed  
94 under part III, part V, or part VII of chapter 400, Florida  
95 Statutes.

96 (g) May charge a reasonable fee, on a sliding scale, as  
97 provided in the bylaws of the corporation for the training of  
98 nonlicensed caregivers who work in the community or in  
99 facilities licensed under part III, part V, or part VII of  
100 chapter 400, Florida Statutes. The corporation shall take all  
101 steps possible to offer high-quality training at the most cost-  
102 effective rates.

103 (h) May offer training to the personnel of assisted living  
104 facilities, adult family-care homes, and adult day care centers.  
105 The Department of Elderly Affairs, in consultation with the  
106 corporation and the contractor responsible for the development



107 of training materials, shall annually evaluate and make any  
108 necessary changes to these materials.

109 (i) Shall collect information regarding nonlicensed  
110 caregivers who work in the community and in facilities licensed  
111 under part III, part V, or part VII of chapter 400, Florida  
112 Statutes. The information collected must include, but need not  
113 be limited to, the salary rates for various positions,  
114 professional development needs of nonlicensed caregivers,  
115 information regarding turnover rates and retention, and data  
116 that identify the number of caregivers using best practices in  
117 daily care-related activities.

118 (j) Shall develop a memorandum of understanding with the  
119 Florida Policy Exchange Center on Aging that describes how the  
120 corporation will interact with the center in carrying out its  
121 responsibilities.

122 (k) Shall develop an agreement with the Florida Policy  
123 Exchange Center on Aging for the provision of administrative  
124 support and startup costs, with the expectation that the  
125 corporation will not rely upon the center for staff or financial  
126 assistance after June 1, 2008.

127 (l) May contract with the Florida Policy Exchange Center  
128 on Aging for the provision of staff support, research, technical  
129 assistance, and data storage under a memorandum of agreement.

130 (m) Shall, by January 10 of each year, issue a report to  
131 the Governor, the President of the Senate, and the Speaker of  
132 the House of Representatives that evaluates the status of the  
133 work of the corporation relating to the use of best practices by  
134 caregivers and the development of nonlicensed caregivers who

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work in the community or in facilities licensed under part III, part V, or part VII of chapter 400, Florida Statutes.

(4) Each public sector agency that provides training or support for nonlicensed caregivers who work in the community or in facilities licensed under part III, part V, or part VII of chapter 400, Florida Statutes, shall cooperate with the corporation. The Florida Policy Exchange Center on Aging shall certify to the Governor, the President of the Senate, and the Speaker of the House of Representatives, using criteria that include communication, timeliness of response, and coordination of efforts, whether the corporation is receiving the necessary and requested support from public sector organizations that provide training to nonlicensed caregivers.

Section 2. By October 1, 2009, the Office of Program Policy Analysis and Government Accountability shall conduct a review of the contracted services for developing best practices information and providing it to caregivers and shall issue a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives evaluating the effectiveness of the corporation in helping the state meet its goals of improving the retention of nonlicensed caregivers in the community or in facilities licensed under part III, part V, or part VII of chapter 400, Florida Statutes, and whether it has been successful in promoting the use of best practices by caregivers of the state's frail elder and disabled adult population.

Section 3. This act shall take effect July 1, 2006.



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 513  
**SPONSOR(S):** Bilirakis  
**TIED BILLS:**

Career and Professional Academies

**IDEN./SIM. BILLS:** SB 1480

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Community Colleges & Workforce Committee		Thomas <i>MT</i>	Ashworth <i>aga</i>
2) Education Appropriations Committee			
3) Education Council			
4) _____			
5) _____			

### SUMMARY ANALYSIS

HB 513 defines "career and professional academy" (CAP academy) as a research based program that offers a rigorous and relevant academic curriculum with an industry and business relevant career theme offered by a public school or school district. The goals of the career and professional academy would be to increase student achievement, focus on careers and postsecondary education, and raise student aspiration and commitment to academic achievement.

Career and professional academies may be offered as one of the following small learning communities:

- Career High-Skill Occupational Initiative for Career Education (CHOICE) academy with one career theme as part of an existing high school or as a school-within-a-school.
- Comprehensive Career Academy with one or more career themes.

HB 513 requires that each career and professional academy:

- Provides a rigorous and relevant standards-based academic curriculum through a career-base theme;
- Includes one or more business or community partnerships;
- Includes a postsecondary partnership;
- Provides creative and tailored student advisement and career counseling;
- Provides a career education certification on the high school diploma;
- Provides instruction, certification, or credentials in work readiness skills; and
- Establishes student eligibility criteria.

HB 513 allows career education courses offered in a career and professional academy that emphasize reading, writing, mathematics, and science to be considered core curricula courses upon approval of the Commissioner of Education.

HB 513 authorizes the school district on behalf of a CAP academy to request substitution of a course required for high school graduation with appropriate rigorous and relevant industry-related coursework. If no response is received in 30 days from DOE the district school board must allow the substitution according to its student progression plan.

HB 513 requires each district school board's student progression plan to provide for the substitution of a course in the Course Code Directory and offered at CAP academies for a credit requirement for graduation. A student may substitute no more than two academic credits.

HB 513 provides for one-time startup funds for five school districts to develop CHOICE academies. See Fiscal Comments for further details.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

**STORAGE NAME:** h0513.CCW.doc

**DATE:** 12/21/2005

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

Promote personal responsibility – The bill provides an opportunity for students to graduate from high school capable of either entering into the workplace and/or furthering their education.

Empower families - The bill provides the opportunity for students who complete the career education program to be able to obtain and sustain a job and realize economic self-sufficiency.

#### B. EFFECT OF PROPOSED CHANGES:

##### CAREER AND PROFESSIONAL ACADEMY

###### Present Situation

Career education (a term often interchangeably used for vocational education, workforce education, or technical education) is critically important to Florida's students and to Florida's economic development. A significant percentage of Florida's students currently leave high school without adequate preparation to enter a career or continue into a technical center, community college or university program. Of every ten 9<sup>th</sup> graders, three students drop out and three of the remaining seven do not pursue additional education; six students (60%) do not go to college. Only four out of the 10 (40%) attend college.<sup>1</sup> Reformed career education programs in the high school years would not only benefit the six students who do not attend college, but has the potential of benefiting all students.

###### Career Education Task Force

The Commissioner of Education was directed by the passing of HB 769 (Chapter 2004-357, L.O.F.) to convene a Career Education Task Force (Task Force) to investigate issues related to workforce or career education. The Task Force chaired by the Lieutenant Governor, held several meetings to discuss workforce related issues. The Task Force determined that greater focus on, and support of, career and professional education represents significant opportunities to make Florida's education system more effective. One of the areas that became a focal point of the Task Force was the importance of rigorous and relevant academic curriculum.

###### Certification on High School Diploma

Currently, school districts may establish career education programs; including career academies, career institutes, and industry certification programs, as well as career education courses that are general in nature and explore various occupations. Section 1003.431, F.S., provides that a career education certification may be placed on a student's diploma. The certification is designed to indicate that a student is prepared for both postsecondary education without the need for remediation and that the student has marketable employment skills. The State Board of Education (SBE) was given authority to adopt rules for a standard format for the career education certification. Currently, the SBE has not adopted rules for career education certification and no school districts have placed the career education certification on high school diplomas.

###### Industry Certification

Industry certification is an industry-based series of competencies needed to work successfully in a career area. The industry in many cases provides a defined process where the secondary vocational programs can certify that they meet a series of requirements in equipment, curriculum and educational

<sup>1</sup> *Career and professional education: preparing Florida's Students for the Knowledge Economy*, Council for Education Policy, Research and Improvement (CEPRI), September 2004

staff requirements. The industry oversees the process and assures continued compliance with industry requirements for recertification at regular intervals. As of 2004, Florida school districts were offering 132 secondary programs that were industry-certified. In a 2004 survey conducted by DOE three types of industry certification for secondary vocational programs offered by the school districts were identified.

**Industry Developed Curricula** – Specific curricula is created by state or national professional organizations representing various industries. These curricula are based on standards that are recognized and approved by the industry.

**Program Accreditation** – Programs are accredited by a national accrediting body associated with a specific industry. That industry may also require a program to implement a specific curriculum.

**Product Specific Certification** – Programs are certified and associated with a specific vender or product. This type of certificate occurs mainly in the area of computer application and network support.

#### CHOICE Program Model

The CHOICE program engineered by Okaloosa school district engages students to pursue rigorous college preparatory level work while simultaneously preparing for high demand jobs with industry level certification. The CHOICE model provides a structure for organizing career training to ensure that outcomes are focused on viable occupations and industry needs and are based on career clusters as defined by the United States Department of Education (USDOE).<sup>2</sup> The CHOICE Program is outcome-based so that students achieve a high school diploma and industry certification for employment, movement into postsecondary training and college, or both.

#### Course Code Directory

The Department of Education approves courses for the succeeding school year no less than 180 days prior to that school year. In order for a student to meet graduation requirements, course requirements are set before the school year begins. Currently, school districts may propose a new course to be added to the Course Code Directory by submitting information and details on the course to the Department of Education. In November, information on the courses is presented to the State Board of Education who reviews and approves the Course Code Directory each year.

#### High School Graduation Requirements

Graduation requires successful completion of either a minimum of 24 academic credits in grades 9 through 12 or an International Baccalaureate curriculum. The 24 credits are distributed as follows:

- Four credits in English, with major concentration in literature & composition;
- Three credits in mathematics, 1 must be at Algebra 1 or higher level, or be a series of courses equivalent to Algebra I;
- Three credits in science, two of which must have a laboratory component;
- Three in Social Science; one in American history, 1 in world history, ½ in economics and ½ in American government;
- One credit in practical arts career education or one credit in performing fine arts;
- One-half credit in life management skills;
- One credit in physical education; and
- Eight and one-half elective credits.

#### **Effect of Proposed Changes**

HB 513 defines “career and professional academy” (CAP academy) as a research based program that offers a rigorous and relevant academic curriculum with an industry and business relevant career theme offered by a public school or school district. The goals of the career and professional academy

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<sup>2</sup> [www.careerclusters.org](http://www.careerclusters.org)

would be to increase student achievement, focus on careers and postsecondary education, and raise student aspiration and commitment to academic achievement.

HB 513 requires that each career and professional academy:

- Provides a rigorous and relevant standard-based academic curriculum through a career-based theme with instruction relevant to the career;
- Includes one or more partnerships with businesses, industry, employers, economic development organization, or other partners from the local community;
- Includes partnership with public or private postsecondary institutions accredited by a regional or national accrediting agency recognized by the United States Department of Education;
- Provides creative and tailored student advisement, including opportunities and encouragement for parent participation in career education planning, and coordination with middle schools in the school district to provide career counseling.
- Provides a career education certification on the high school diploma;
- Provides instruction, certification, or credentials in work readiness skill; and
- Establishes student eligibility criteria.

Career and professional academies may be offered in one of the following small learning communities:

- Career High-Skill Occupational Initiative for Career Education (CHOICE) academy with one career theme as part of an existing high school or as a school-within-a-school.
- Comprehensive Career Academy with one or more career themes.

HB 513 amends s. 1003.43, F.S., regarding general requirements for high school graduation, to require that each district's student progression plan provide for the substitution of a course identified in the Course Code Directory and offered in a CHOICE academy or a comprehensive career academy for a credit requirement for graduation. This substitution is limited to a maximum of two academic credit requirements.

#### CAREER HIGH-SKILL OCCUPATIONAL INITIATIVE FOR CAREER EDUCATION (CHOICE) ACADEMY

HB 513 defines a Career High-Skill Occupational Initiative for Career Education (CHOICE) academy as a career and professional academy that offers a rigorous and relevant academic curriculum leading to industry-recognized certification, college credit, and credit toward a high school diploma.

The bill requires the Department of Education (DOE) to establish a Career High-Skill Occupational Initiative for Career Education (CHOICE) project. The project must consist of a competitive process for selecting and designating school districts as participants and designates CHOICE academies in schools within participating school districts.

The bill requires DOE to establish application guidelines for an annual competitive process and eligibility criteria for school district participation. DOE, in consultation with Workforce Florida, Inc., and Enterprise Florida, Inc may designate as many school districts as it deems advisable each year.

The bill requires DOE, in consultation with Workforce Florida, Inc., to establish standards for designating specific CHOICE academies in each participating school district. The Okaloosa County School district may serve in an advisory role in the establishment of such standards.

The purpose of CHOICE academy will be to:

- Draw upon ongoing partnerships between education and workforce development or economic development organizations to enhance the quality and opportunities for career education for high school students by exposure to in-demand career education;
- Build upon the state system of school improvement and education accountability by providing students with a solid academic foundation, opportunities to obtain industry-recognized

certification or credentials, and preparation for postsecondary educational experiences in related fields;

- Focus student on completing high school graduation requirements including receiving passing scores on the grade 10 FCAT; and
- Prepare graduate high school students to make appropriate choices relative to employment and future education experiences.

The bill authorizes DOE to approve or disapprove within 30 days a request by a participating school district on behalf of a designated CHOICE academy for the substitution of appropriate rigorous and relevant coursework deemed critical for student success by an industry for coursework required for high school graduation. If a response hasn't been received by the school district within 30 days the district school board shall allow the substitution according to its student progression plan. This substitution is limited to a maximum of two academic credit requirements per student.

#### COMPREHENSIVE CAREER ACADEMY

HB 513 defines a comprehensive career academy as a career and professional academy that offers a rigorous and relevant academic curriculum that prepares students for college, careers, and productive citizenship.

The bill requires the Department of Education (DOE) to establish a comprehensive career academy project to provide for the designation of comprehensive career academies in the school districts. DOE in consultation with the school districts shall adopt criteria for evaluation of comprehensive career academies and an assessment tool based on national standards of practice. The assessment tool will be used by the comprehensive career academy to perform a self-assessment at the end of the first year of operation and periodically as determined by DOE.

The bill authorizes DOE to approve or disapprove within 30 days a request by a school district on behalf of a designated comprehensive career academy for the substitution of appropriate rigorous and relevant coursework deemed critical for student success by an industry for coursework required for high school graduation. If a response hasn't been received by the school district within 30 days the district school board must allow the substitution according to its student progression plan. This substitution is limited to a maximum of two academic credit requirements per student.

#### C. SECTION DIRECTORY:

Section 1: Creates s. 1003.493, F.S.; defining the term "career and professional academy" ; providing academy goals and duties; providing types of career and professional academies; providing for the approval of career education courses as core curricula courses under certain circumstances.

Section 2: Creates s. 1003.494, F.S.; requiring the Department of Education to establish a Career High-Skill Occupational Initiative for Career Education (CHOICE) project as a competitive process for the designation of school district participants and CHOICE academies; providing eligibility criteria for such designation; providing duties of school districts and the department; providing for the award to certain school districts of startup funds for the development of Choice academies.

Section 3: Creates s. 1003.495, F.S.; requiring the department to establish a comprehensive career academy project to provide for the designation of comprehensive career academies; providing duties of the department; providing for assessment of academies.

Section 4: Amends s. 1003.43, F.S.; requires district school board student progression plan to provide for the substitution of certain courses for credit requirements for high school graduation.



Section 5: Amends ss. 288.9015 and 445.004, F.S.; conforms duties of Enterprise Florida, Inc., and Workforce Florida, Inc.

Section 6: Providing an effective date of July 1, 2006.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues: See Fiscal Comments
2. Expenditures: See Fiscal Comments

### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues: See Fiscal Comments
2. Expenditures: See Fiscal Comments

### **C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

### **D. FISCAL COMMENTS:**

The Department of Education bill analysis states that the department would require four staff positions to develop evaluation criteria, provide an annual report, approve the request for substitutions of appropriate coursework, and assess and approve coursework substitution for the comprehensive career academy program established in the bill. The total estimated cost by the Department of Education for the additional staff is \$273,585.

#### **Career and Professional Academy Startup Funds**

During the 2005 legislative session \$6 million dollars was allocated under the SUCCEED, Florida Career Paths program to provide startup funds to design and implement career and professional academies for the 2005-06 school year. The funds were designed to offset planning and implementation cost for partnership between a school district school board and one or more businesses, industries or public postsecondary educational institutions to operate a career and professional academy. These funds were non-recurring state funds.

The Workforce Florida, Inc., in 2005-2006 provided CHOICE Career Institute grants in the amount of \$830,572 to four Regional Workforce Boards in conjunction with their respective five school boards districts to replicate the model developed and used by Okaloosa County School District.<sup>3</sup>

The bill authorizes the Department of Education to award one-time startup funds to five of the school districts designated as participants in the CHOICE project for the development of CHOICE academies. School districts are authorized to establish one or more CHOICE academies without incentive funds.

<sup>3</sup> [http://www.workforceflorida.com/wages/wfi/bcs/0602\\_calendar.htm](http://www.workforceflorida.com/wages/wfi/bcs/0602_calendar.htm)

The Okaloosa County School District and other school districts that have received funding from Workforce Florida, Inc., for the establishment of CHOICE academies prior to July 1, 2006 will receive an expedited review for CHOICE academy designation by the Department of Education.

### **III. COMMENTS**

#### **A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision: NONE

2. Other: NONE

#### **B. RULE-MAKING AUTHORITY:**

The bill gives no specific rulemaking authority; however, DOE is required to establish application guidelines, eligibility criteria, standards and evaluation criteria.

#### **C. DRAFTING ISSUES OR OTHER COMMENTS:**

The bill requires DOE to make appropriate policy decisions regarding CHOICE academies when such decisions are not specifically directed by law.

### **IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES**

1 A bill to be entitled  
2 An act relating to career and professional academies;  
3 creating s. 1003.493, F.S.; defining the term "career and  
4 professional academy"; providing academy goals and duties;  
5 providing types of career and professional academies;  
6 providing for the approval of career education courses as  
7 core curricula courses under certain circumstances;  
8 creating s. 1003.494, F.S.; requiring the Department of  
9 Education to establish a Career High-Skill Occupational  
10 Initiative for Career Education (CHOICE) project as a  
11 competitive process for the designation of school district  
12 participants and CHOICE academies; providing eligibility  
13 criteria for such designation; providing duties of school  
14 districts and the department; providing for the award to  
15 certain school districts of startup funds for the  
16 development of CHOICE academies; creating s. 1003.495,  
17 F.S.; requiring the department to establish a  
18 comprehensive career academy project to provide for the  
19 designation of comprehensive career academies; providing  
20 duties of the department; providing for assessment of  
21 academies; amending s. 1003.43, F.S.; requiring district  
22 school board student progression plans to provide for the  
23 substitution of certain courses for credit requirements  
24 for high school graduation; amending ss. 288.9015 and  
25 445.004, F.S.; providing duties of Enterprise Florida,  
26 Inc., and Workforce Florida, Inc., to conform; providing  
27 an effective date.  
28

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Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 1003.493, Florida Statutes, is created to read:

1003.493 Career and professional academies.--

(1) A "career and professional academy" is a research-based program as described in subsection (3) that offers a rigorous and relevant academic curriculum with an industry and business relevant career theme offered by a public school or school district.

(2) The goals of career and professional academies are to:

(a) Increase student achievement.

(b) Focus on careers and postsecondary education.

(c) Raise student aspiration and commitment to academic achievement.

(3) A career and professional academy may be offered as one of the following small learning communities:

(a) A Career High-Skill Occupational Initiative for Career Education (CHOICE) academy, pursuant to s. 1003.494, with one career theme and created as part of an existing high school or as a school-within-a-school program. Students in the school are not required to be students in the academy.

(b) A comprehensive career academy, pursuant to s. 1003.495, that is structured around one or more career themes and consists of one or more career academy programs.

(4) Each career and professional academy must:

(a) Provide a rigorous and relevant standards-based academic curriculum through a career-based theme with

57 instruction relevant to the career. The curriculum must take  
58 into consideration multiple styles of student learning; promote  
59 learning by doing through application and adaptation; maximize  
60 relevance of the subject matter; enhance each student's capacity  
61 to excel; and include an emphasis on work habits and work  
62 ethics.

63 (b) Include one or more partnerships with businesses,  
64 industry, employers, economic development organizations, or  
65 other appropriate partners from the local community. Such  
66 partnerships must include opportunities for:

67 1. Highly skilled professionals to provide instruction in  
68 their areas of expertise.

69 2. Use of state-of-the-art equipment in the instructional  
70 program of the academy.

71 3. Internships, externships, and on-the-job training.

72 (c) Include one or more partnerships with public or  
73 private postsecondary institutions accredited by a regional or  
74 national accrediting agency recognized by the United States  
75 Department of Education. The educational partner must:

76 1. Agree to articulate coursework to maximize  
77 transferability of credit.

78 2. Offer a postsecondary degree, diploma, or certificate  
79 in the career theme of the academy.

80 (d) Provide creative and tailored student advisement,  
81 including opportunities and encouragement for parent  
82 participation in career education planning, and coordination  
83 with middle schools in the school district to provide career  
84 counseling. The coordination with middle schools must include

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85 promotion in middle school of secondary and postsecondary career  
86 education programs and opportunities to participate in an  
87 academy. Such promotion may take place through middle school  
88 exploratory courses.

89 (e) Provide a career education certification on the high  
90 school diploma pursuant to s. 1003.431.

91 (f) Provide instruction, certification, or credentials in  
92 work readiness skills, including, but not limited to,  
93 communication skills, interpersonal skills, decisionmaking  
94 skills, the importance of attendance and timeliness in the work  
95 environment, and work ethics.

96 (g) Establish student eligibility criteria. While  
97 recognizing that rigorous academic performance will be expected  
98 of all students participating in an academy, initial eligibility  
99 criteria must permit opportunities for students who may not yet  
100 meet the academic requirements but demonstrate characteristics  
101 that may lead to success in an academy. The aim of an academy  
102 should be to serve not only students who are already succeeding  
103 but also students who would succeed if the proper instructional  
104 and motivational opportunities were provided.

105 (5) If a career and professional academy is designated as  
106 a CHOICE academy under s. 1003.494 or a comprehensive career  
107 academy under s. 1003.495, the career education courses offered  
108 in the academy that emphasize reading, writing, mathematics, and  
109 science may be considered core curricula courses upon approval  
110 of the Commissioner of Education.

111 Section 2. Section 1003.494, Florida Statutes, is created  
112 to read:

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1003.494 Career High-Skill Occupational Initiative for Career Education (CHOICE) academies.--

(1) The Department of Education shall establish a Career High-Skill Occupational Initiative for Career Education (CHOICE) project. The project shall consist of a competitive process for selecting and designating school districts as participants in the project and designating CHOICE academies in schools within participating school districts.

(2) A CHOICE academy is a career and professional academy that meets the goals and requirements specified in s. 1003.493 and offers a rigorous and relevant academic curriculum leading to industry-recognized certification, college credit, and credit toward a high school diploma. Existing career education courses may serve as a foundation for the creation of a CHOICE academy.

(3) The purpose of a CHOICE academy shall be to:

(a) Draw upon ongoing partnerships between education and workforce development or economic development organizations to enhance the quality and opportunities for career education for high school students by exposure to in-demand career education as identified by such organizations in the local community.

(b) Build upon the state system of school improvement and education accountability by providing students with a solid academic foundation, opportunities to obtain industry-recognized certification or credentials, and preparation for postsecondary educational experiences in related fields.

(c) Focus students on completing high school graduation requirements, including, but not limited to, receiving passing scores on the grade 10 FCAT.

(d) Prepare graduating high school students to make appropriate choices relative to employment and future educational experiences.

(4) The Department of Education shall establish application guidelines for an annual competitive process and eligibility criteria for school district participation. A school district may apply to the department for designation as a CHOICE project participating district, and the department, in consultation with Workforce Florida, Inc., and Enterprise Florida, Inc., may designate as many school districts as it deems advisable each year. Eligibility criteria for designation of a school district as a CHOICE project participant shall include, but not be limited to:

(a) The willingness and ability of associated businesses or industries to form partnerships with and support CHOICE academies.

(b) The dedication of school district resources to CHOICE academies.

(5) The Department of Education, in consultation with Workforce Florida, Inc., shall establish standards for designating specific CHOICE academies in each participating school district. The Okaloosa County School District may serve in an advisory role in the establishment of such standards. A participating school district may apply to the department for designation of a CHOICE academy within a school in the district. Eligibility criteria for such designation must include, but not be limited to, the following:



(a) The existence of partnerships with an associated business or industry and a regional workforce board or the primary local economic development organization in the county as recognized by Enterprise Florida, Inc. The partnership of the business or industry with the CHOICE academy must be based on the connection of the business or industry with the academy's career theme and must involve future plans for improving the local economy. The business or industry partner must be consulted during the planning stages of a CHOICE academy and provide business or industry support and resources devoted to the CHOICE academy.

(b) The existence of at least one established partnership and an articulation agreement for credit with a postsecondary institution.

(c) The existence of participation opportunities for students, including students in home education programs, students with disabilities, and nontraditional students.

(d) The existence of a plan for sustaining the CHOICE academy.

The Okaloosa County School District and other school districts that have received funding from Workforce Florida, Inc., for the establishment of CHOICE academies prior to July 1, 2006, shall receive an expedited review for CHOICE academy designation by the department.

(6) A participating school district shall:

(a) Identify an appropriate location for classes.

195        (b) Ensure that a CHOICE academy is flexible enough to  
 196        respond both to the needs and abilities of students and to the  
 197        needs of associated businesses or industries.

198        (c) Redirect appropriated funding from ongoing activities  
 199        to a CHOICE academy.

200        (d) Plan for sustaining a CHOICE academy as an ongoing  
 201        program without additional funding.

202        (e) Assist in program technical support for students in  
 203        private schools, charter schools, or home education programs.

204        (f) Allow students in private schools, charter schools, or  
 205        home education programs to participate in a CHOICE academy  
 206        through dual enrollment.

207        (7) The Department of Education shall:

208        (a) With assistance from Workforce Florida, Inc., provide  
 209        technical assistance to participating school districts in  
 210        submitting applications for designation of specific CHOICE  
 211        academies located in specific schools in the school district,  
 212        reorganizing career education opportunities, developing CHOICE  
 213        academies with career themes in areas deemed appropriate by  
 214        Workforce Florida, Inc., or local economic development  
 215        organizations, and developing funding plans.

216        (b) Approve or disapprove within 30 days a request by a  
 217        participating school district on behalf of a designated CHOICE  
 218        academy for the substitution of appropriate rigorous and  
 219        relevant coursework deemed critical for student success by an  
 220        industry for coursework required for high school graduation. If  
 221        the school district does not receive a response to the request  
 222        within 30 days, the district school board shall allow the

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223 substitution according to its student progression plan pursuant  
224 to s. 1003.43(1).

225 (c) Make appropriate policy decisions relative to CHOICE  
226 academies when such decisions are not specifically directed by  
227 law.

228 (d) Jointly with Workforce Florida, Inc., and in  
229 consultation with the school districts, develop evaluation  
230 criteria for CHOICE academies. Such criteria shall include  
231 increased academic performance of students and schools using  
232 school-level accountability data.

233 (e) Report to the State Board of Education, the Governor,  
234 the President of the Senate, and the Speaker of the House of  
235 Representatives by July 1 of each year on school district  
236 participation in the CHOICE project, designated CHOICE academies  
237 with enrollment and completion data for such academies, and  
238 appropriate outcomes for students who have completed a CHOICE  
239 academy program. Such outcomes may include continuing  
240 educational experiences of CHOICE academy graduates, business or  
241 industry satisfaction with the CHOICE academies, placement of  
242 CHOICE academy graduates in employment, and earnings of such  
243 graduates.

244 (f) Have the authority to promote CHOICE academies and to  
245 provide planning and startup resources.

246 (8) Pursuant to appropriation in the General  
247 Appropriations Act, the Department of Education shall award one-  
248 time startup funds to five of the school districts designated as  
249 participants in the CHOICE project for the development of CHOICE  
250 academies. All school districts designated by the department are

251 authorized to establish one or more CHOICE academies without  
252 incentive funds.

253 Section 3. Section 1003.495, Florida Statutes, is created  
254 to read:

255 1003.495 Comprehensive career academies.--

256 (1) The Department of Education shall establish a  
257 comprehensive career academy project to provide for the  
258 designation of comprehensive career academies in the school  
259 districts.

260 (2) A comprehensive career academy is a career and  
261 professional academy that meets the goals and requirements  
262 specified in s. 1003.493 and offers a rigorous and relevant  
263 academic curriculum that prepares students for college, careers,  
264 and productive citizenship.

265 (3) The Department of Education, in consultation with the  
266 school districts, shall adopt criteria for evaluation of  
267 comprehensive career academies and an assessment tool based on  
268 national standards of practice. The assessment tool must be  
269 designed so that a comprehensive career academy may use it as a  
270 self-assessment tool.

271 (4) Each comprehensive career academy shall perform a  
272 self-assessment using the adopted assessment tool at the end of  
273 the first year of operation and periodically thereafter as  
274 determined by the Department of Education.

275 (5) A school district may request the Department of  
276 Education to conduct an assessment of a comprehensive career  
277 academy for purposes of designation by the department as a  
278 comprehensive career academy. If the department determines that

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an academy meets national standards of practice, the department shall designate the academy as a comprehensive career academy.

(6) The Department of Education shall approve or disapprove within 30 days a request by a school district on behalf of a designated comprehensive career academy for the substitution of appropriate rigorous and relevant coursework deemed critical for student success by an industry for coursework required for high school graduation. If the school district does not receive a response to the request within 30 days, the district school board shall allow the substitution according to its student progression plan pursuant to s. 1003.43(1).

Section 4. Subsection (1) of section 1003.43, Florida Statutes, is amended to read:

1003.43 General requirements for high school graduation.--

(1) Graduation requires successful completion of either a minimum of 24 academic credits in grades 9 through 12 or an International Baccalaureate curriculum. The 24 credits shall be distributed as follows:

(a) Four credits in English, with major concentration in composition and literature.

(b) Three credits in mathematics. Effective for students entering the 9th grade in the 1997-1998 school year and thereafter, one of these credits must be Algebra I, a series of courses equivalent to Algebra I, or a higher-level mathematics course.

(c) Three credits in science, two of which must have a laboratory component. Agriscience Foundations I, the core course

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in secondary Agriscience and Natural Resources programs, counts as one of the science credits.

(d) One credit in American history.

(e) One credit in world history, including a comparative study of the history, doctrines, and objectives of all major political systems.

(f) One-half credit in economics, including a comparative study of the history, doctrines, and objectives of all major economic systems. The Florida Council on Economic Education shall provide technical assistance to the department and district school boards in developing curriculum materials for the study of economics.

(g) One-half credit in American government, including study of the Constitution of the United States. For students entering the 9th grade in the 1997-1998 school year and thereafter, the study of Florida government, including study of the State Constitution, the three branches of state government, and municipal and county government, shall be included as part of the required study of American government.

(h)1. One credit in practical arts career education or exploratory career education. Any career education course as defined in s. 1003.01 may be taken to satisfy the high school graduation requirement for one credit in practical arts or exploratory career education provided in this subparagraph;

2. One credit in performing fine arts to be selected from music, dance, drama, painting, or sculpture. A course in any art form, in addition to painting or sculpture, that requires manual dexterity, or a course in speech and debate, may be taken to

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335 satisfy the high school graduation requirement for one credit in  
336 performing arts pursuant to this subparagraph; or

337 3. One-half credit each in practical arts career education  
338 or exploratory career education and performing fine arts, as  
339 defined in this paragraph.

340  
341 Such credit for practical arts career education or exploratory  
342 career education or for performing fine arts shall be made  
343 available in the 9th grade, and students shall be scheduled into  
344 a 9th grade course as a priority.

345 (i) One-half credit in life management skills to include  
346 consumer education, positive emotional development, marriage and  
347 relationship skill-based education, nutrition, parenting skills,  
348 prevention of human immunodeficiency virus infection and  
349 acquired immune deficiency syndrome and other sexually  
350 transmissible diseases, benefits of sexual abstinence and  
351 consequences of teenage pregnancy, information and instruction  
352 on breast cancer detection and breast self-examination,  
353 cardiopulmonary resuscitation, drug education, and the hazards  
354 of smoking.

355 (j) One credit in physical education to include  
356 assessment, improvement, and maintenance of personal fitness.  
357 Participation in an interscholastic sport at the junior varsity  
358 or varsity level, for two full seasons, shall satisfy the one-  
359 credit requirement in physical education if the student passes a  
360 competency test on personal fitness with a score of "C" or  
361 better. The competency test on personal fitness must be  
362 developed by the Department of Education. A district school

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board may not require that the one credit in physical education be taken during the 9th grade year. Completion of one semester with a grade of "C" or better in a marching band class, in a physical activity class that requires participation in marching band activities as an extracurricular activity, or in a Reserve Officer Training Corps (R.O.T.C.) class a significant component of which is drills shall satisfy a one-half credit requirement in physical education. This one-half credit may not be used to satisfy the personal fitness requirement or the requirement for adaptive physical education under an individual educational plan (IEP) or 504 plan.

(k) Eight and one-half elective credits.

District school boards may award a maximum of one-half credit in social studies and one-half elective credit for student completion of nonpaid voluntary community or school service work. Students choosing this option must complete a minimum of 75 hours of service in order to earn the one-half credit in either category of instruction. Credit may not be earned for service provided as a result of court action. District school boards that approve the award of credit for student volunteer service shall develop guidelines regarding the award of the credit, and school principals are responsible for approving specific volunteer activities. A course designated in the Course Code Directory as grade 9 through grade 12 that is taken below the 9th grade may be used to satisfy high school graduation requirements or Florida Academic Scholars award requirements as specified in a district school board's student progression plan.



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391 A student shall be granted credit toward meeting the  
392 requirements of this subsection for equivalent courses, as  
393 identified pursuant to s. 1007.271(6), taken through dual  
394 enrollment. Each district school board's student progression  
395 plan must provide for the substitution of a course identified in  
396 the Course Code Directory and offered in a designated CHOICE  
397 academy under s. 1003.494 or in a designated comprehensive  
398 career academy under s. 1003.495 for a credit requirement for  
399 graduation under this subsection. A student may make such  
400 substitution for a maximum of two of the academic credit  
401 requirements.

402 Section 5. Subsection (7) is added to section 288.9015,  
403 Florida Statutes, to read:

404 288.9015 Enterprise Florida, Inc.; purpose; duties.--

405 (7) Enterprise Florida, Inc., shall work with the  
406 Department of Education and Workforce Florida, Inc., in the  
407 designation of school districts as participants in the CHOICE  
408 project pursuant to s. 1003.494.

409 Section 6. Paragraph (i) is added to subsection (5) of  
410 section 445.004, Florida Statutes, to read:

411 445.004 Workforce Florida, Inc.; creation; purpose;  
412 membership; duties and powers.--

413 (5) Workforce Florida, Inc., shall have all the powers and  
414 authority, not explicitly prohibited by statute, necessary or  
415 convenient to carry out and effectuate the purposes as  
416 determined by statute, Pub. L. No. 105-220, and the Governor, as  
417 well as its functions, duties, and responsibilities, including,  
418 but not limited to, the following:

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419        (i) Working with the Department of Education and  
420        Enterprise Florida, Inc., in the implementation of the CHOICE  
421        project pursuant to s. 1003.494.

422        Section 7. This act shall take effect July 1, 2006.



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 1065 Educational Opportunities for Children and Spouses of Deceased or Disabled Veterans and Servicemembers  
**SPONSOR(S):** Jordan  
**TIED BILLS:** IDEN./SIM. BILLS: SB 2034

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Community Colleges &amp; Workforce Committee</u>	_____	Thomas <i>not</i>	Ashworth <i>QA</i>
2) <u>Military &amp; Veteran Affairs Committee</u>	_____	_____	_____
3) <u>Education Appropriations Committee</u>	_____	_____	_____
4) <u>Education Council</u>	_____	_____	_____
5) _____	_____	_____	_____

### SUMMARY ANALYSIS

HB 1065 provides educational opportunity for spouses of deceased or disabled service members with the following requirements:

- An unremarried spouse of a deceased servicemember qualifies if:
  - spouse and servicemember were residents of the state for 1 year preceding the servicemember's death; and
  - unremarried spouse applies to use the benefit within 5 years after the servicemember's death.
- A dependent spouse of a disabled servicemember qualifies:
  - if married to the servicemember for 1 year; and
  - if spouse and servicemember were residents of the state for 1 year preceding the occurrence of the servicemember's disability and the disability meets the criteria set forth by the United States Department of Veterans Affairs or its predecessors; and
  - only during the duration of the marriage and up to the point of termination of the marriage by dissolution or annulment.

HB 1065 provides that the funds appropriated for this provision may only be used for tuition and registration fees at state-supported institutions of higher learning, including community colleges and career centers.

The effective date provided is July 1, 2006.

The fiscal impact of HB 1065 is undetermined. Please see "Fiscal Comments" for further information.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

**Empower families** – The bill allows educational opportunity for spouses of deceased or disabled servicemembers.

#### B. EFFECT OF PROPOSED CHANGES:

##### **Present Situation**

##### Scholarships for Children of Deceased or Disabled Veterans

Section 295.01, F.S., provides educational opportunity at state expense for children of a member of the U.S. Armed Forces if the military member entered the Armed Forces while a resident of Florida and died from service-related injuries, disease, or disability while on active-duty or was determined by the U.S. Department of Veterans Affairs to have a one hundred percent total and permanent service-related disability. In addition, the parents must have been residents of Florida for one year preceding the death or occurrence of such disability.

In 2004, 157 students qualified and took advantage of this program, up from 151 in 2003. The chart below tracks the program's appropriations and cost, and the number of participating students over the last few years<sup>1</sup>.

Year	Students Awarded	Average Award*	Expended Funds	Appropriations
1999-00	142	\$1,513	\$214,861	\$333,250
2000-01	158	\$1,590	\$251,191	\$333,250
2001-02	168	\$1,768	\$297,062	\$333,250
2002-03	151	\$1,961	\$296,130	\$333,250
2003-04	157	\$2,053	\$322,294	\$333,250

\* The maximum award differs per student as it is equal to the tuition and fees at a public postsecondary institution.

##### Student Eligibility for Children of Deceased or Disabled Veterans

Eligible students are required to:

- Submit a completed Florida Financial Aid Application for students by April 1.
- Be a dependent child between the ages of 16 years and 22 years of a Florida qualified veteran by the Florida Department of Veterans' Affairs.
- Meet Florida's general eligibility requirements.
- Be enrolled in an undergraduate degree or certificated program.
- Be enrolled for a minimum of six credit hours, 180 clock hours, or the equivalent, per term at an eligible postsecondary institution.
- Not be in default on any federal Title IV or state student loan program unless satisfactory arrangements to repay have been made.
- Not have previously received a bachelor's degree.

##### Federal Law:

Under current federal legislation, U. S. Department of Veterans Affairs education benefits are available to qualifying spouses and children of a veteran who died of a service-connected disability.

<sup>1</sup> Office of Student Financial Assistance, Florida Department of Education, "2003-04 Annual Report to the Commissioner," November 2004, page 19.

Benefits include payment of a monthly education or training allowance and may be awarded for pursuit of associate, bachelor, or graduate degrees at colleges and universities, including independent study, cooperative training and study abroad programs.

Courses leading to a certificate or diploma from business, technical or vocational schools also may be taken.

Effective Oct. 1, 2004, the rate of compensation is \$803 a month for full-time school attendance, with lesser amounts for part-time training. A person may receive educational assistance for full-time training for up to 45 months or the equivalent in part-time training.

Payments to a spouse end 10 years from the date the individual is found eligible or from the date of the death of the veteran. Children generally must be between the ages of 18 and 26 to receive education benefits, though extensions may be granted.

### **Effect of Proposed Changes:**

HB 1065 provides educational opportunity for spouses of deceased or disabled service members with the following requirements:

- An unremarried spouse of a deceased servicemember qualifies if:
  - spouse and servicemember were residents of the state for 1 year preceding the servicemember's death; and
  - unremarried spouse applies to use the benefit within 5 years after the servicemember's death.
- A dependent spouse of a disabled servicemember qualifies:
  - if married to the servicemember for 1 year; and
  - if spouse and servicemember were residents of the state for 1 year preceding the occurrence of the servicemember's disability and the disability meets the criteria set forth by the United States Department of Veterans Affairs or its predecessors; and
  - only during the duration of the marriage and up to the point of termination of the marriage by dissolution or annulment.

HB 1065 provides that the funds appropriated for this provision may only be used for tuition and registration fees at state-supported institutions of higher learning, including community colleges and career centers.

### **C. SECTION DIRECTORY:**

Section 1. Amends s. 295.01, F.S.; providing that it is the declared policy of the state to provide educational opportunity at state expense for spouses of deceased or disabled servicemembers; providing criteria for qualification for such benefits for unremarried spouses of deceased servicemembers and dependent spouses of disabled servicemembers; specifying uses of funds appropriated for such educational opportunities.

Section 2. Amends s. 295.03, F.S.; relating to withdrawal of benefits upon failure to comply with minimum educational requirements; revising terminology.

Section 3. Amends s. 295.05, F.S.; relating to enrollment as a prerequisite to receipt of benefits; revising terminology.

Section 4. Providing an effective date of July 1, 2006.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

**1. Revenues:**

None

**2. Expenditures:**

The fiscal impact on state government expenditures is indeterminate. It is unknown how many students would be eligible and apply for this benefit. See Fiscal Comments.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

**1. Revenues:**

None

**2. Expenditures:**

None

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None

**D. FISCAL COMMENTS:**

The Department of Education states that for the 2004-05 academic year, 149 students were funded an average award of \$2,105 from an appropriation of \$313,691. The current year appropriation for Children of Deceased or Disabled Veterans is \$383,250, and there are a projected 170 students to be funded.

Using the actual 2004-05 data and assuming that each of the 149 eligible awardees has a parent who is also eligible, the minimum anticipated impact would be 298 participating (149 children and 149 spouses).

Doubling the current year projection of 170 participants would result in a projected new population of 340. No data is available on the number of spouses without children who might also be eligible.

The budget necessary to fund 298 eligible applicants at the 2004-05 average award would be \$627,290; to fund 340 applicants at the same average award would be \$715,700.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

**1. Applicability of Municipality/County Mandates Provision:**

None

**2. Other:**

None

**B. RULE-MAKING AUTHORITY:**

The State Board of Education currently has rulemaking authority regarding this issue under s. 295.01, F.S.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None

#### **IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES**



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1 A bill to be entitled

2 An act relating to educational opportunities for children  
3 and spouses of deceased or disabled veterans and  
4 servicemembers; amending s. 295.01, F.S.; providing that  
5 it is the declared policy of the state to provide  
6 educational opportunity at state expense for spouses of  
7 deceased or disabled servicemembers; providing criteria  
8 for qualification for such benefits for unremarried  
9 spouses of deceased servicemembers and dependent spouses  
10 of disabled servicemembers; specifying uses of funds  
11 appropriated for such educational opportunities; amending  
12 s. 295.03, F.S., relating to withdrawal of benefits upon  
13 failure to comply with minimum educational requirements;  
14 revising terminology; amending s. 295.05, F.S., relating  
15 to enrollment as a prerequisite to receipt of benefits;  
16 revising terminology; providing an effective date.

17  
18 Be It Enacted by the Legislature of the State of Florida:

19  
20 Section 1. Section 295.01, Florida Statutes, is amended to  
21 read:

22 295.01 Children of deceased or disabled veterans; spouses  
23 of deceased or disabled servicemembers; education.--

24 (1) It is hereby declared to be the policy of the state to  
25 provide educational opportunity at state expense for dependent  
26 children either of whose parents entered the Armed Forces and:

27 (a) Died as a result of service-connected injuries,  
28 disease, or disability sustained while on active duty; or

(b) Has been:

1. Determined by the United States Department of Veterans Affairs or its predecessor to have a service-connected 100-percent total and permanent disability rating for compensation;

2. Determined to have a service-connected total and permanent disability rating of 100 percent and is in receipt of disability retirement pay from any branch of the United States Armed Services; or

3. Issued a valid identification card by the Department of Veterans' Affairs in accordance with s. 295.17,

when the parents of such children have been ~~bona-fide~~ residents of the state for 1 year immediately preceding the death or occurrence of such disability, and subject to the rules, restrictions, and limitations set forth in this section.

(2) It is also the declared policy of the state to provide educational opportunity at state expense for spouses of deceased or disabled servicemembers.

(a) The unremarried spouse of a deceased servicemember, as defined in s. 250.01, qualifies for the benefits under this section:

1. If the servicemember and his or her spouse had been residents of the state for 1 year immediately preceding the servicemember's death and the servicemember's death occurred under the circumstances provided in subsection (1); and

2. If the unremarried spouse applies to use the benefit within 5 years after the servicemember's death.

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56        (b) The dependent spouse of a disabled servicemember, as  
57        defined in s. 250.01, qualifies for the benefits under this  
58        section:

59        1. If the servicemember and his or her spouse have been  
60        married to each other for 1 year; and

61        2. If the servicemember and his or her spouse have been  
62        residents of the state for 1 year immediately preceding the  
63        occurrence of the servicemember's disability and the disability  
64        meets the criteria set forth in subsection (1); and

65        3. Only during the duration of the marriage and up to the  
66        point of termination of the marriage by dissolution or  
67        annulment.

68  
69        Notwithstanding s. 295.02, funds appropriated to carry out the  
70        provisions of this subsection may only be used for tuition and  
71        registration fees at state-supported institutions of higher  
72        learning, including community colleges and career centers. All  
73        rules, restrictions, and limitations set forth in this section  
74        shall apply.

75        (3)-(2) Sections 295.03, 295.04, 295.05, and 1009.40 shall  
76        apply.

77        (4)-(3) The State Board of Education shall adopt rules for  
78        administering this section.

79        Section 2. Section 295.03, Florida Statutes, is amended to  
80        read:

81        295.03 Minimum requirements.--Upon failure of any student  
82        ~~child~~ benefited by the provisions of this chapter to comply with  
83        the ordinary and minimum requirements of the institution

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attended, both as to discipline and scholarship, the benefits thereof shall be withdrawn as to the student ~~child~~ and no further moneys expended for his or her benefits so long as such failure or delinquency continues.

Section 3. Section 295.05, Florida Statutes, is amended to read:

295.05 Admission; enrollment.--Eligibility for admission is not affected by this chapter, but all students ~~children~~ receiving benefits under this chapter shall be enrolled according to the customary rules and requirements of the institution attended.

Section 4. This act shall take effect July 1, 2006.



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 1171      Travel to Terrorist States  
**SPONSOR(S):** Rivera and others  
**TIED BILLS:**      **IDEN./SIM. BILLS:** SB 2434

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Community Colleges &amp; Workforce Committee</u>		Thomas <i>not</i>	Ashworth <i>ga</i>
2) <u>Education Appropriations Committee</u>			
3) <u>Education Council</u>			
4) _____			
5) _____			

### SUMMARY ANALYSIS

HB 1171 requires that no funds in the Community College Program Fund, funds made available to community colleges outside the Community College Program Fund or state or non-state funds made available to state universities may be used to implement, organize, direct, coordinate, administer, or to support the implementation, organization, direction, coordination, or administration of activities related to or involving travel to a terrorist state.

HB 1171 defines "terrorist state" as any state, country, or nation designated by the United States Department of State as a state sponsor of terrorism. Currently, the State Department designates six countries under these authorities: Cuba, Iran, Libya, North Korea, Sudan and Syria. Cuba is the only designated country in the Western Hemisphere.

HB 1171 prohibits travel expenses of public officers or employees for implementing, organizing, directing, coordinating, or administering activities related to or involving travel to a terrorist state.

The fiscal impact of this bill is undeterminable

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

Maintain public security – The bill provides that no public officers or employees will be traveling to terrorist states.

#### B. EFFECT OF PROPOSED CHANGES:

##### **Present Situation**

##### Community College Program Fund

Section 1011.81, F.S., establishes the Community College Program Fund to provide funding for the basic operations of Florida's 28 community colleges.

##### State University Funding

Section 1011.90, F.S., establishes the primary funding for the basic operations for Florida's 11 state universities.

##### Per Diem and Travel Expenses

Section 112.061, F.S., governs the per diem and travel expenses of agencies' public officers, employees, and authorized persons.

"Agencies" are defined as any office, department, agency, division, subdivision, political subdivision, board, bureau, commission, authority, district, public body, body politic, county, city, town, village, municipality, or other separate unit of government created by law.<sup>1</sup> A variety of conditions are placed on the travel that may be paid and what amounts may be paid.

"Officer or public officer" is defined as an individual who in the performance of his or her official duties is vested by law with sovereign powers of government and who is either elected by the people, or commissioned by the Governor and has jurisdiction extending throughout the state, or any person lawfully serving instead of either of the foregoing two classes of individuals as initial designee or successor.<sup>2</sup>

"Employee or public employee" is defined as an individual, whether commissioned or not, other than an officer or authorized person, who is filling a regular or full-time authorized position and is responsible to an agency head, who is called upon by an agency to contribute time and services as a consultant or adviser, who is a candidate for an executive or professional position.<sup>3</sup>

"Authorized person" is defined as a person other than a public officer or employee, whether elected or commissioned or not, who is authorized by an agency head to incur travel expenses in the performance of official duties.<sup>4</sup>

##### Terrorist Nations

The United States Department of State maintains a list of countries determined to have repeatedly provided support for acts of international terrorism. The countries are designated "terrorist nations" under the requirements of three federal laws: section 6(j) of the Export Administration Act; section 40 of the Arms Export Control Act; and section 620A of the Foreign Assistance Act. Sanctions resulting from designation under these acts include:

<sup>1</sup> Section 112.061(2)(a).

<sup>2</sup> Section 112.061(2)(c).

<sup>3</sup> Section 112.061(2)(d).

<sup>4</sup> Section 112.061(2)(e).

- A ban on arms-related exports and sales.
- Controls over exports of dual-use items, requiring a 30-day Congressional notification for goods or services that could significantly enhance the terrorist-list country's military capability or ability to support terrorism.
- Prohibitions on economic assistance.
- Imposition of miscellaneous financial and other restrictions, including:
  - Requiring the United States to oppose loans by the World Bank and other international financial institutions;
  - Lifting the diplomatic immunity to allow families of terrorist victims to file civil lawsuits in U.S. courts;
  - Denying companies and individuals tax credits for income earned in terrorist-list countries;
  - Denial of duty-free treatment for goods exported to the United States;
  - Authority to prohibit any U.S. person from engaging in a financial transaction with a terrorism-list government without a Treasury Department License;
  - Prohibition of Defense Department contracts above \$100,000 with companies controlled by terrorist-list states.

Currently, the State Department designates six countries under these authorities: Cuba, Iran, Libya, North Korea, Sudan and Syria. Cuba is the only designated country in the Western Hemisphere.

#### Charter Travel to Terrorist Nations

Title 31 of the Code of Federal Regulations, Chapter V, prescribes the ability and legal method to travel to and do business with countries such as Cuba, Iran, Libya, North Korea, Sudan and Syria. The ability to travel to these countries varies as do the requirements for and the ability to be authorized or licensed by the Office of Foreign Assets Control (OFAC) within the United States Department of the Treasury for such travel. Because of its proximity to Florida and the demographic makeup of the state, Cuba is likely the only listed terrorist nation receiving regular charter air and vessel travelers from Florida.

#### Cultural and Educational Travel to Cuba

Under the Cuban Assets Control Regulations, OFAC may issue specific licenses to accredited United States academic institutions to authorize travel-related transactions related to certain educational activities by students or employees affiliated with the institution. Such licenses are valid for multiple trips over a two-year period. Specific licenses may also be issued (in some instances with extended validity permitting multiple trips) for educational activities that do not take place under the auspices of accredited United States academic institutions. Religious organizations are also eligible for multiple-trip two-year specific licenses authorizing travel-related transactions by their representatives in connection with a program of religious activities in Cuba.

Other travel categories for which specific licenses may be issued include, but are not limited to: free-lance journalism; activities of recognized human rights organizations and other humanitarian projects that directly benefit the Cuban people; certain public performances, clinics, workshops, exhibitions and athletic and other competitions; certain non-commercial activities of private foundations or research or educational institutions; and travel-related transactions involving informational materials, donations of food or exportations of goods licensed by the Department of Commerce.

#### **Effect of Proposed Changes**

HB 1171 prohibits funds in the Community College Program Fund and funds made available to community colleges outside the Community College Program Fund to be used to implement, organize, direct, coordinate, or administer, or to support the implementation, organization, direction, coordination, or administration of activities related to or involving travel to a terrorist state. The prohibition includes



state or private funds made available to a community college. The bill also places the same prohibition on state or non-state funds made available to the state universities.

HB 1171 defines "terrorist state" as any state, country, or nation designated by the United States Department of State as a state sponsor of terrorism. Currently, the State Department designates six countries under these authorities: Cuba, Iran, Libya, North Korea, Sudan and Syria. Cuba is the only designated country in the Western Hemisphere<sup>5</sup>.

HB 1171 prohibits travel expenses of public officers or employees for implementing, organizing, directing, coordinating, or administering activities related to or involving travel to a terrorist state.

**C. SECTION DIRECTORY:**

Section 1. Amends s. 1011.81, F.S., prohibiting the use of funds from the Community College Program Fund, or funds made available to community colleges from outside the fund, to implement, organize, direct, coordinate, or administer activities related to or involving travel to a terrorist state; defining "terrorist state".

Section 2. Amends s. 1011.90, F.S., prohibiting the use of state or non-state funds made available to state universities to implement, organize, direct, coordinate, or administer activities related to or involving travel to a terrorist state; defining "terrorist state".

Section 3. Amends s. 112.061, F.S., providing that travel expenses of public officers or employees for the purpose of implementing, organizing, directing, coordinating, or administering activities related to or involving travel to a terrorist state shall not be allowed under any circumstances.

Section 4. Provides an effective date of July 1, 2006.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

None

2. Expenditures:

None

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None

2. Expenditures:

None

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None

**D. FISCAL COMMENTS:**

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<sup>5</sup> Office of the Coordinator for Counter Terrorism, U.S. Department of State, *Country Reports on Terrorism 2004*, p. 88, April 2005.

A survey conducted by the Division of Community Colleges and Workforce Education of the Florida Department of Education indicated that, in the last five years, one community college has sponsored a trip to a country classified by the Department of State as a terrorist state – i.e., an educational trip to Cuba that was paid for with private funds rather than Community College Program Fund or other state funds.

### **III. COMMENTS**

#### **A. CONSTITUTIONAL ISSUES:**

##### **1. Applicability of Municipality/County Mandates Provision:**

None

##### **2. Other:**

None

#### **B. RULE-MAKING AUTHORITY:**

None

#### **C. DRAFTING ISSUES OR OTHER COMMENTS:**

Section 112.061, F.S., is about per diem and travel expenses of public officers, employees, and *authorized persons*. The bill provides travel expense limitations on public officers and employees, but it is silent on authorized person's travel limitations.

### **IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES**

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A bill to be entitled

An act relating to travel to terrorist states; amending s. 1011.81, F.S.; prohibiting the use of funds from the Community College Program Fund, or funds made available to community colleges from outside the fund, to implement, organize, direct, coordinate, or administer activities related to or involving travel to a terrorist state; defining "terrorist state"; amending s. 1011.90, F.S.; prohibiting the use of state or nonstate funds made available to state universities to implement, organize, direct, coordinate, or administer activities related to or involving travel to a terrorist state; defining "terrorist state"; amending s. 112.061, F.S.; providing that travel expenses of public officers or employees for the purpose of implementing, organizing, directing, coordinating, or administering activities related to or involving travel to a terrorist state shall not be allowed under any circumstances; defining "terrorist state"; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 1011.81, Florida Statutes, is amended to read:

1011.81 Community College Program Fund.--

(1) There is established a Community College Program Fund. This fund shall comprise all appropriations made by the Legislature for the support of the current operating program and

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29 shall be apportioned and distributed to the community college  
30 districts of the state on the basis of procedures established by  
31 law and rules of the State Board of Education. The annual  
32 apportionment for each community college district shall be  
33 distributed monthly in payments as nearly equal as possible.

34 (2) None of the funds made available in the Community  
35 College Program Fund, or funds made available to community  
36 colleges outside the Community College Program Fund, may be used  
37 to implement, organize, direct, coordinate, or administer, or to  
38 support the implementation, organization, direction,  
39 coordination, or administration of, activities related to or  
40 involving travel to a terrorist state. For purposes of this  
41 section, "terrorist state" is defined as any state, country, or  
42 nation designated by the United States Department of State as a  
43 state sponsor of terrorism.

44 Section 2. Subsection (6) is added to section 1011.90,  
45 Florida Statutes, to read:

46 1011.90 State university funding.--

47 (6) None of the state or nonstate funds made available to  
48 state universities may be used to implement, organize, direct,  
49 coordinate, or administer, or to support the implementation,  
50 organization, direction, coordination, or administration of,  
51 activities related to or involving travel to a terrorist state.  
52 For purposes of this section, "terrorist state" is defined as  
53 any state, country, or nation designated by the United States  
54 Department of State as a state sponsor of terrorism.

55 Section 3. Paragraphs (e), (f), and (g) of subsection (3)  
56 of section 112.061, Florida Statutes, are redesignated as

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paragraphs (f), (g), and (h), respectively, and a new paragraph (e) is added to that subsection to read:

112.061 Per diem and travel expenses of public officers, employees, and authorized persons.--

(3) AUTHORITY TO INCUR TRAVEL EXPENSES.--

(e) Travel expenses of public officers or employees for the purpose of implementing, organizing, directing, coordinating, or administering, or supporting the implementation, organization, direction, coordination, or administration of, activities related to or involving travel to a terrorist state shall not be allowed under any circumstances. For purposes of this section, "terrorist state" is defined as any state, country, or nation designated by the United States Department of State as a state sponsor of terrorism.

Section 4. This act shall take effect July 1, 2006.